

Council 4 AFSCME Testimony

Labor and Public Employees Committee - March 1, 2012

My name is Brian Anderson. I am a legislative representative for Council 4 AFSCME, a union of 35,000 Connecticut public and private employee members.

Council 4 supports S.B. No. 150 (RAISED) AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES. Approximately, 3,000 of these members are paraprofessional educators.

This bill extends Family and Medical Leave to paraprofessionals. FMLA allows workers to take a leave of absence (up to 12 weeks if they have worked the previous 12 months), unpaid, if they, a spouse, child or parent become ill (or in case of the first year of a child's birth, an adoption or to donate organs or bone marrow). FMLA is generally the sort of thing that people do not want to use unless there is a dire need. Very few families can afford to take unpaid time and lose income for any reason. Employers have the right to make employees use any vacation time or sick time for FMLA.

Paraprofessionals are unable to utilize the state provision of the law because they routinely work under the requisite 1,250 hours per year. This bill sets the requirement for paraprofessionals at 950 hours per year. This change would allow for this large segment of workers, who are called upon to provide very valuable societal service often under very trying circumstances (such as providing educational services to children with special needs), to have a right that our country provides to almost every other type of worker. This bill provides basic fairness.

Council 4 supports H.B. No. 5233 (RAISED) AN ACT CONCERNING WORKERS' COMPENSATION FOR FIREFIGHTERS. Thankfully, such cases where a firefighter witnesses another firefighter's death are rare. Yet this bill simply asks for human decency for workers who regularly risk their lives, health and mental health at a difficult and necessary job.

Council 4 opposes H.B. No. 5201 (RAISED) AN ACT CONCERNING DEADLINES FOR THE COMPLETION OF MUNICIPAL BINDING ARBITRATION

Council 4 opposes this bill because it tampers with the existing arbitration time frame. Changing this results in a less flexible situation which could inadvertently force municipalities and unions into going to binding arbitration when it is not necessary. It is best to avoid arbitration when it can be avoided because it can take up to two years to resolve and results in additional costs for both parties.

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Both sides of the table in contract disputes that end up in arbitration have equal ability to work out stipulated agreements on the schedule of briefs, reply briefs and last best offers. This bill would strip that ability and impose rigid times. It seems rational, but it isn't. The parties rarely fail to work out a schedule that comports with the availability of expert witnesses and other scheduling events necessary to the presentation of a complete case. In most cases, even where the parties are far apart, they are able to reach agreement on the schedule. This is a case of not fixing what isn't broken.

Council 4 opposes H.B. No. 5203 (RAISED) AN ACT CONCERNING MUNICIPAL COLLECTIVE BARGAINING ARBITRATION AND THE APPOINTMENT OF ARBITRATORS TO THE ARBITRATION PANEL

Currently the municipality and the union each appoint an arbitrator. Then, those two arbitrators, who advocate for the side that appointed them, choose the third arbitrator from the arbitrator pool, who becomes the neutral arbitrator.

This bill eliminates the management and union arbitrators and instead two neutral arbitrators are randomly selected from the arbitrators. Once selected, they choose a third arbitrator from the same pool they were chosen from.

This is a major and bad change. The system now has advocate arbitrators who understand the relative importance of the last best offers of their side, making for more rational decisions. The new system eliminates that and instead, the two selected arbitrators pick a colleague to make three.

We believe that this approach will not live up to the stated purpose: "To encourage the efficiency of the municipal collective bargaining arbitration process through the appointment of neutral arbitrators at random to the arbitration panel." We believe that it will have quite the opposite effect.

Council 4 opposes H.B. No. 5238 (RAISED) AN ACT CONCERNING MUNICIPAL ARBITRATIONS AND A MUNICIPALITY'S RESERVE FUND BALANCE. Often, the wealthiest towns are some of the most difficult to negotiate a contract with. This may be because the bulk of their employees cannot afford to live in town. This bill would allow such towns to put excess funds into a rainy day fund and declare it off limits for an arbitrator's consideration. An arbitrator is already mandated to take a municipality's fiscal well-being and ability to pay into consideration when making a judgment. A towns' wealth should be considered a town's wealth. It should not be able to dodge fairness towards its employees by creating different financial silos or shifting funds inside its budget.

If you need further information, please call on us. Thank you for your consideration.